

U.S. DISTRICT COURT
DISTRICT OF VERMONT
FILED

UNITED STATES DISTRICT COURT
DISTRICT OF VERMONT

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TODD SEMON, on behalf of himself, and all
others similarly situated,

Plaintiff,

v.

ROCK OF AGES CORPORATION,
SWENSON GRANITE COMPANY, LLC,
KURT M. SWENSON, JAMES L. FOX,
RICHARD C. KIMBALL, DONALD
LABONTE, LAURA A. PLUDE, PAMELA G.
SHEIFFER, CHARLES M. WAITE, and
FREDERICK E. WEBSTER JR.,

Defendants.

Case No. 5:10cv00143 - CR

CLASS ACTION

THE VLADIMIR GUSINSKY REVOCABLE
TRUST, on behalf of itself, and all others
similarly situated,

Plaintiff,

v.

ROCK OF AGES CORPORATION, JAMES L.
FOX, RICHARD C. KIMBALL, DONALD
LABONTE, PAMELA G. SHEIFFER, KURT
M. SWENSON, FREDERICK E. WEBSTER
JR., SWENSON GRANITE COMPANY, LLC,
and GRANITE ACQUISITION, LLC,

Defendants.

Case No. 5:10-cv-00262-CR ✓

**PLAINTIFF TODD SEMON'S CROSS-MOTION TO BE APPOINTED LEAD
PLAINTIFF (WITH PROPOSED PLAINTIFF MEISTER) AND APPROVAL OF HIS
SELECTION OF WOLF POPPER LLP AS LEAD COUNSEL AND TARRANT, GILLIES,
MERRIMAN & RICHARDSON AS LIAISON COUNSEL**

Plaintiff Todd Semon (and proposed Co-Plaintiff Jerome Meister) in the above action entitled *Semon v. Rock of Ages Corp., et al.*, C.A. No. 5:10-cv-00143-CR ("Semon Action"), by their undersigned counsel, hereby move to be appointed as Lead Plaintiffs should the Court determine that it has subject matter jurisdiction of the later filed action entitled *The Vladimir Gusinsky Revocable Trust v. Rock of Ages Corp., et al.*, No. 5:10-cv-00262-CR ("Gusinsky Action") and consolidates the Gusinsky Action into the lower numbered Semon Action.

Plaintiff Semon (and proposed Co-Plaintiff Meister) further move the Court to approve their selection of their counsel, Wolf Popper LLP, as Lead Counsel for Plaintiffs, and Tarrant, Gillies, Merriman & Richardson, as Liaison Counsel for Plaintiffs, should the defendants' motion to consolidate the Semon Action and the Gusinsky Action be granted.

The grounds for this Motion are set forth in Plaintiff Todd Semon's Memorandum In Response to Defendants' Motion to Consolidate and to Stay Proceedings, and In Support of Cross-Motion to be Appointed Lead Plaintiffs and Approval of Selection of Wolf Popper LLP as Lead Counsel and Tarrant, Gillies, Merriman & Richardson as Liaison Counsel, submitted herewith, as well as such other papers and argument as may be presented to the Court.

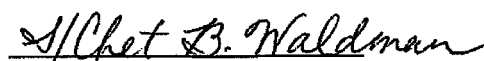
Plaintiff Semon (and proposed Co-Plaintiff Meister) respectfully request oral argument.

LOCAL RULE 7(a)(7) CERTIFICATION

Pursuant to the Local Rules of this Court, the undersigned counsel hereby certifies that Wolf Popper LLP, counsel for Plaintiff Semon, conferred with counsel for Gusinsky, and sent an e-mail both to counsel for Gusinsky and to counsel for Defendants in a good faith attempt to obtain their agreement to the motion. Neither Defendants nor Gusinsky assented to the motion.

DATED: December 6, 2010

Respectfully submitted,



Chet B. Waldman (admitted *pro hac vice*)

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/s/ Daniel P. Richardson

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*Attorneys for Plaintiff Semon and Proposed Plaintiff
Meister*